REMARKS

This Application has been carefully reviewed in light of the Office Action dated November 2, 2007 (the "*Office Action*"). At the time of the *Office Action*, Claims 1-4, 6, and 9-21 were pending and rejected in the Application. Applicants amend Claims 1, 3, 9, 10, 14, and 18. Applicants respectfully submit that no new matter is introduced by these amendments. Applicants request reconsideration and favorable action in this case.

Prior Art Rejections under 35 U.S.C. § 103

The Examiner rejects Claims 1, 2, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatenable over M. Douglas McIlroy, "Macro Instruction Extensions of Compiler Languages," ("*McIlroy*") in view of Official Notice. The Examiner rejects Claims 3, 4, 6, and 10-21 under 35 U.S.C. § 103(a) as being unpatenable over *McIlroy* and further in view of U.S. Patent Nos. 4,931,928 issued to Greenfeld ("*Greenfeld*") and 5,737,592 issued to Nguyen et al. ("*Nguyen*") in view of 5,295,059 issued to Brooks et al. ("*Brooks*"). For the reasons discussed below, Applicants' respectfully submit that Claims 1-4, 6, and 9-21 are allowable over the Examiner's proposed combinations.

A.   Claims 1, 2, and 9 are patentable over *McIlroy*

Although it continues to be Applicants' position that Claims 1, 2, and 9 as previously submitted are allowable over *McIlroy* in view of *Official Notice*, Applicants have amended Claims 1, 2, and 9 to advance prosecution of this case. Applicants reserve the right to seek allowance of the claims as previously presented at a later time.

Independent Claim 1 of the present Application, as amended, recites:

> A method for providing an extensible macro language comprising:
> maintaining a predefined macro language comprising a plurality of keywords and a plurality of associated commands for execution;
> parsing a macro language expression to identify a new keyword in the macro language expression that is not within the plurality of keywords in the predefined macro language;
> retrieving, from a registry of keywords and associated executable codes, an executable code associated with the new keyword identified in the macro language expression, the executable code corresponding to a

procedure not performed by the execution of the predefined macro language; and

      executing the executable code retrieved from the registry to run the extended macro command associated with the new keyword in the macro language expression without recompiling the macro language, the executable code associated with the new keyword not included in the predefined macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone.

Applicants submit that *McIlroy*, whether considered alone or in view of *Official Notice*, does not disclose the combination of elements recited in Applicants' Claim 1.

For example, *McIlroy*, whether considered alone or in view of *Official Notice*, does not disclose, teach, or suggest "parsing a macro language expression **to identify a new keyword in the macro language expression that is not within the plurality of keywords in the predefined macro language**," as recited in Applicants' Claim 1. Rather, *McIlroy* specifies that "a macroinstruction is simply a pattern for an open subroutine." (*McIlroy*, Page 215, column 1, paragraph 1). Accordingly, "a macro compiler," as defined by *McIlroy* "is seen as nothing more than a machine for performing logical reductions from the extended language to the ground language." (*McIlroy*, Page 216, column 2, paragraph 2). *McIlroy* further discloses:

> The principal problem in implementing a compiler of varying ground languages is making the extensions of the languages appear natural to users of each. This is mostly a question of adopting the compiler's method of scanning to accept input in ground language style. As an added dividend such a compiler will free the tight style restrictions of any one ground language, allowing great latitude in specifying the appearances of its extensions.

(*McIlroy*, Page 216, column 2, paragraph 3). Thus, *McIlroy* allows a source language to respond to "definitional extensions" of the ground language. (*McIlroy*, Page 216, column 2, paragraph 2). Stated differently, *McIlroy*'s definitional extensions allows a ground language to respond to a macro that is a shorthand way of specifying a statement **already contained within the ground language**. However, because the shorthand terms merely call programming language already contained in the ground language, *McIlroy* does not disclose, teach, or suggest "parsing a macro language expression **to identify a new keyword in the**

macro language expression that is not within the plurality of keywords in the predefined macro language," as recited in Applicants' Claim 1.

As another example, *McIlroy*, whether considered alone or in view of *Official Notice*, does not disclose, teach, or suggest "retrieving, from a registry of keywords and associated executable codes, an executable code associated with the new keyword identified in the macro language expression, the executable code corresponding to procedure not performed by the execution of the predefined macro language," as recited in Applicants' Claim 1. In the *Office Action*, the Examiner continues to acknowledge that *McIlroy* fails to disclose the recited features but maintains that "this step is well known in the art." (*Office Action*, page 3). Specifically, the Examiner states that

> It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a registry of keywords and an associated executable code to retrieve and to execute because it is well known in the art that the C language itself has a registry of 33 keywords with the keywords being used in the source code and compiling of the macro language

(*Office Action*, pages 3-4). However, whether or not it is well known in the art that the C language has a registry of 33 keywords, the Examiner's own statement identifies that the 33 keywords of the C language are "used in the source code." Maintaining a registry of keywords that are used in a piece of source code is counter to Applicants' amended claim language. Applicants' claim specifically requires that "each keyword [be] associated with an extended macro command **that is not included in the predefined macro language.**" To the extent that the C language has a registry of 33 keywords (which Applicants neither admit nor deny), if such keywords are used in the source code itself, then such keywords are not analogous to Applicants' claimed "keywords." Accordingly, even in view of the registry of C language key words, it would not have been obvious to one of ordinary skill in the art to modify the teachings of *McIlroy* to include "retrieving, from a registry of keywords and associated executable codes, an executable code associated with the new keyword identified in the macro language expression, the executable code corresponding to procedure not performed by the execution of the predefined macro language," as recited in Applicants' Claim 1.

As still another example, it continues to be Applicants' position that *McIlroy*, whether considered alone or in view of *Official Notice*, does not disclose, teach, or suggest "executing the executable code retrieved from the registry to run the extended macro command associated with the new keyword in the macro language expression without recompiling the macro language, **the executable code associated with the new keyword not included in the predefined macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone.**" In the *Office Action*, the Examiner relies upon *McIlroy* for Applicants' step of "executing each executable code . . ." However, as stated above, *McIlroy* is limited to a compiler that allows for definitional extensions for ground language that is present in the source code. (*McIlroy*, Page 216, column 2, paragraph 3). Accordingly, for the same reasons that *McIlroy* does not disclose, teach, or suggest Applicants' "identifying" step, *McIlroy* also does not disclose, teach, or suggest Applicants' step of "executing the executable code retrieved from the registry to run the extended macro command associated with the new keyword in the macro language expression without recompiling the macro language, **the executable code associated with the new keyword not included in the predefined macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone,**" as recited in Claim 1. Permitting a source code to respond to a shorthand way of specifying a statement **already contained within the ground language** is not analogous to Applicants' recited features and operations.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1, together with Claim 2 that depends from Claim 1.

The Examiner also relies upon *McIlroy* in view of *Official Notice* to reject Applicants' independent Claim 9. Applicants respectfully submit, however, that the proposed references do not disclose, teach, or suggest each and every element of Applicants' independent Claim 9. For example, Claim 9 recites "parsing a macro language expression to identify a new keyword in the macro language expression that is not within the plurality of keywords in the predefined macro language." As another example, Claim 9 recites "retrieving, from a

registry of keywords and associated executable codes, an executable code associated with the new keyword in the macro language expression, the executable code corresponding to a procedure not performed by the execution of the predefined macro language." As another example still, Claim 9 recites "executing the executable code retrieved from the registry to run the extended macro command associated with the new keyword in the macro language expression without recompiling the macro language, the executable code associated with the new keyword not included in the predefined macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone." Thus, for reasons similar to those discussed above with regard to Claim 1, Applicants respectfully submit that *McIlroy*, whether considered alone or in combination with the Examiner's taking of Official Notice, does not disclose, teach, or suggest the particular elements set forth in Applicants' independent Claim 9.

B.   **Claims 3, 4, 6, and 10-21 are not obvious over the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* Combination**

In response to the Examiner's rejection of Claims 3, 4, 6, and 10-21 under the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination, Applicants submit that the references, whether considered alone or together, do not disclose, teach, or suggest the combination of elements recited in Applicants' Claims 3, 4, 6, and 10-21.

For example, independent Claim 3 of the present Application, as amended, recites:

> A system for providing an extensible macro language, comprising:
> a macro handler operable to maintain a predefined macro language comprising a plurality of keywords and a plurality of associated commands for execution;
> a parser operable to parse a macro language expression to identify a new keyword in the macro language expression that is not within the plurality of keywords in the predefined macro language;
> a registry of keywords and associated executable codes, including one or more keywords and one or more executable codes that are not included in the predefined macro language, each keyword being associated with a respective one of the executable codes, each executable code corresponding to a procedure not performed by the execution of the predefined macro language; and
> wherein the macro handler is further operable to receive the new keyword from the parser, retrieve, from the registry of keywords and

associated executable codes, the executable code associated with the new keyword identified within the macro language expression, and execute the retrieved executable code to run the extended macro command associated with the new keyword without recompiling the macro language, the executable code associated with the new keyword not included in the predefined macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone.

Applicants submit that the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination does not disclose, teach, or suggest the particular combination of elements and operations recited in Applicants' Claim 3.

For example, the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination does not disclose, teach, or suggest "a parser operable to parse a macro language expression to identify a new keyword in the macro language expression that is not within the plurality of keywords in the predefined macro language," as recited in Applicants' Claim 3. In the *Office Action*, the Examiner acknowledges that *McIlroy* fails to disclose a parser capable of identifying one or more keywords embedded within a macro language expression. (*Office Action*, page 5). Applicants agree with this reading of *McIlroy* and further submit that *McIlroy* also does not disclose that "each keyword [is] associated with an extended macro command **that is not included in a predefined macro** language." For a detailed analysis of why *McIlroy* is deficient with respect to the recited claim language, Applicants refer the Examiner to Applicants' arguments above relating to analogous language recited in Applicants' Claim 1.

Furthermore, the additional disclosure of *Greenfeld*, as relied upon by the Examiner, does not cure the acknowledged deficiencies of *McIlroy*. To the contrary, the cited portion of *Greenfeld* merely discloses that a parser 42 is "generated by a LALR(1) parser generator 58 . . . [and] takes as input the formal grammar 56 of the target language, and a source code skeleton 60, 62 of each of the programs supporting the lexical scanner 40 and the parser 42." (*Greenfeld*, Column 8, lines 8-13). "The generator 58 then produces the source code for a lexical scanner and a parser tailored to or customized for the particular target language described by the formal grammar 56. That is, the grammar 56 describes legal sentences in the target language and the parser 42 is generated to exactly analyze those sentences."

(*Greenfeld*, Column 8, lines 13-19). Accordingly, although *Greenfeld* discloses a parser, the parser of *Greenfeld* is not operable to "identify a new keyword in the macro language expression that is not within the plurality of keywords in the predefined macro language," as recited in Applicants' Claim 3.

As another example, the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination does not disclose, teach, or suggest a macro handler operable to "receive the new keyword from the parser, retrieve, from the registry of keywords and associated executable codes, the executable code associated with the new keyword identified within the macro language expression, and execute the retrieved executable code to run the extended macro command associated with the new keyword without recompiling the macro language, **the executable code associated with the new keyword not included in the predefined macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone,**" as recited in Claim 3. For a detailed analysis of why *McIlroy* is deficient with respect to the recited claim language, Applicants refer the Examiner to Applicants' arguments above relating to analogous language recited in Applicants' Claim 1.

The additional disclosure of *Brooks*, as relied upon by the Examiner, does not cure the acknowledged deficiencies of *McIlroy*. Rather, *Brooks* merely discloses a "ladder logic instruction" wherein "each macro instruction are placed in contiguous sections 62-65 of the library file 55." (Column 8, lines 46-47). "During the execution of a user defined control program, each time the ladder logic processor 39 reads a new instruction, an instruction map table stored in the shared system RAM 36 is searched for an entry that contains the opcode for the new instruction." (Column 8, lines 59-63). Thus, *Brook* merely discloses that the logic processor identifies instructions in a control program and associates an opcode with the instruction. *Brooks* does not disclose, teach, or suggest a macro handler operable to "receive the new keyword from the parser, retrieve, from the registry of keywords and associated executable codes, the executable code associated with the new keyword identified within the macro language expression, and execute the retrieved executable code to run the extended macro command associated with the new keyword without recompiling the macro language, **the executable code associated with the new keyword not included in the predefined**

macro language and resulting in the performance of a procedure not performed by execution of the predefined macro language alone," as recited in Claim 3.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 3, together with Claims 4, 6, and 14-17 that depend on Claim 3.

Claims 10-13 and 18-21 depend on Claims 1 and 9, respectively. Accordingly, dependent Claims 10-13 and 18-21 are not obvious over the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination at least because Claims 10-13 and 18-21 include the limitations of their respective independent claims, which Applicants have shown above to be allowable. Since Claims 10-13 and 18-21 incorporate the limitations of their respective independent claims, Applicants have not provided detailed arguments with respect to Claims 10-13 and 18-21. However, Applicants remain ready to do so if it becomes appropriate. Applicants respectfully request reconsideration and allowance of Claims 10-13 and 18-21.

C. The Proposed *McIlroy-Official Notice-Greenfeld-Nguyen* Combination is Improper as Applied to Claims 3, 4, 6, and 10-21

Furthermore, Applicants continue to submit that the Examiner has not provided the requisite teaching, suggestion, or motivation, either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of Applicant's invention to modify or combine *McIlory* in view of Official Notice with *Greenfeld* and *Nguyen* in the manner the Examiner proposes. Applicants' claims are allowable for at least this additional reason.

1. The Legal Standard

The question raised under 35 U.S.C. § 103 is whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art at the time of the invention. Accordingly, even if all elements of a claim are disclosed in various prior art references, which is certainly not the case here as discussed above, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill at the time of the invention would have been prompted to

modify the teachings of a reference or combine the teachings of multiple references to arrive at the claimed invention. It is clear based at least on the many distinctions discussed above that the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination do not, taken as a whole, suggest the claimed invention, taken as a whole. Applicants respectfully submit that the Examiner has merely pieced together disjointed portions of references, with the benefit of hindsight using Applicants' claims as a blueprint, in an attempt to reconstruct Applicants' claims.

The governing Federal Circuit case law makes this strict legal standard clear.[1] According to the Federal Circuit, "a showing of a suggestion, teaching, or motivation to combine or modify prior art references is an essential component of an obviousness holding." *In re Sang-Su Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002) (quoting *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 U.S.P.Q.2d 1456, 1459 (Fed. Cir. 2000)). "Evidence of a suggestion, teaching, or motivation . . . may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, the nature of the problem to be solved." *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). However, the "range of sources available . . . does not diminish the requirement for actual evidence." *Id.* *Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so."* *In re Mills*, 916 F.2d at 682, 16 U.S.P.Q.2d at 1432 (emphasis added). *See also In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998) (*holding a prima facie case of obviousness not made where the combination of the references taught every element of the claimed invention but did not provide a motivation to combine*); *In Re Jones*, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1944 (Fed. Cir. 1992) ("Conspicuously missing from this record is any evidence, other than the PTO's speculation (if that can be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modification of the prior art salts necessary to arrive at" the claimed invention.). Even a determination that it would have been obvious to one of ordinary skill in the art at the time of the invention to try

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[1] Note M.P.E.P. 2145 X.C. ("The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references.").

the proposed modification or combination is not sufficient to establish a *prima facie* case of obviousness. *See In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988).

In addition, the M.P.E.P. and the Federal Circuit repeatedly warn against using an applicant's disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, *"The tendency to resort to 'hindsight' based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art."* M.P.E.P. § 2142 (emphasis added). The governing Federal Circuit cases are equally clear. "A critical step in analyzing the patentability of claims pursuant to [35 U.S.C. § 103] is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one 'to fall victim to the insidious effect of a hindsight syndrome *wherein that which only the invention taught is used against its teacher.'"* In re Kotzab*, 217 F.3d 1365, 1369, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000) (citations omitted; emphasis added). In *In re Kotzab*, the court noted that to prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. *See id. See also, e.g.*, *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988). Similarly, in *In re Dembiczak*, the Federal Circuit reversed a finding of obviousness by the Board, *explaining that the required evidence of such a teaching, suggestion, or motivation is essential to avoid impermissible hindsight reconstruction of an applicant's invention*:

> Our case law makes clear that the best defense against the subtle but powerful attraction of hind-sight obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.

175 F.3d at 999, 50 U.S.P.Q.2d at 1617 (emphasis added) (citations omitted; emphasis added).

2.   The Analysis

To maintain the rejections of Claims 3, 4, and 6, the Examiner cites disjointed portions of four unrelated references. Specifically, with respect to independent Claim 3, the Examiner acknowledges that *McIlroy* fails to disclose "a parser" operable to perform the claimed operations, "a registry of keywords and associated executable codes," and a "macro handler" operable to perform the claimed operations. (*Office Action*, Pages 5-6). The Examiner then relies upon *Greenfeld* for disclosure of "a parser" operable to perform the claimed operations, *Nguyen* for disclosure of "a registry of keywords and associated executable codes," and *Brooks* for disclosure of "a macro handler" operable to perform the claimed operations.

In the rejection, the Examiner identifies no suggestion or motivation for modifying the teachings of *McIlroy* to include the disclosure of *Greenfeld*. Similarly, the Examiner identifies no suggestion or motivation for modifying the teachings of *McIlroy* and *Greenfeld* to include the disclosure of *Nguyen*. Rather, the Examiner merely states:

> It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify in *McIlroy*, *Greenfeld*, and *Nguyen* [to incorporate] the teachings of *Brooks* because such a modification is well known in the art and would enhance *McIlroy's*, *Greenfeld's*, and *Nguyen's* extended keywords with the parser receiving the keyword first, then parsing the expression and the macro handler in response saving the previous contents of the processor registers (keywords) during execution of the main program with the user selecting the functions and submitting the macro command to run the code associated with the keywords with a prefix symbol.

(*Office Action*, page 6). Thus, it appears that the Examiner has merely proposed an alleged advantage of combining the teachings of *Brooks* with those of *McIlroy*, *Greenfeld*, and *Nguyen* (an advantage which Applicants do not admit could even be achieved by combining these references in the manner the Examiner proposes). The Examiner has not pointed to any portions of the cited references that would teach, suggest, or motivate one of ordinary skill in

the art at the time of invention to incorporate the macro compiler language disclosed in *McIlroy* with the cited disclosures of *Greenfeld, Nguyen*, and *Brooks*.[2] In other words, the alleged advantage of the system proposed by the Examiner does not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention (*without using Applicants' claims as a guide*) to modify the particular techniques disclosed in *McIlroy* with the cited disclosures in *Greenfeld, Nguyen*, and *Brooks*; (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Applicants' independent claims. Indeed, if it were sufficient for Examiners to merely point to a purported advantage of one reference and conclude that it would have been obvious to combine of modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

Applicants respectfully submit that the Examiner's attempt to modify or combine *McIlroy* with *Greenfeld, Nguyen*, and/or *Brooks* appears to constitute the type of impermissible hindsight reconstruction of Applicants' claims, using Applicants' claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases. [3] Even if *Greenfeld* discloses "a parser" operable to perform Applicants' claimed operations, *Nguyen* discloses a "registry of keywords and associated executable codes," and *Brooks* discloses "a macro handler" operable to perform Applicants' claimed operations (which Applicants do not admit and expressly disputes above), such a piecemeal rejection of Applicants' claims fail to give credence to each element of Appellants' claims and to the

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[2] To the extent that the Examiner continues to rely on "common knowledge" or "well known" art in support of his rationale for combining the references, the Examiner is requested to produce a reference in support of his position pursuant to M.P.E.P. § 2144.03. If the Examiner is relying on personal knowledge to supply the required motivation or suggestion to combine, Applicants respectfully request that the Examiner produce an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

[3] It is improper for an Examiner to use hindsight having read the Applicant's disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). It is improper to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

overall combination of features recited in the claims. The M.P.E.P. provides that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Applicant respectfully submits that a rejection of Claims 3, 4, and 6 under the proposed *McIlroy-Official Notice-Greenfeld-Nguyen* combination, in the manner provided by the Examiner, can only result from the piecing together of disjointed portions of unrelated references to reconstruct Applicants' claims.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 3, 4, 6, and 10-21.
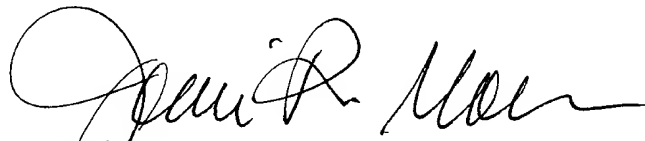
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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